



FACILITY COMPLIANCE AUDIT REPORT

Division of Waste Management Solid Waste Section

UNIT TYPE: (check all that apply to this audit with same Permit number)

Lined MSWLF		LCID		YW		Transfer		Compost		SLAS		COUNTY: BURKE PERMIT NO.: 12-03 FILE TYPE: COMPLAINT
Closed MSWLF	<input checked="" type="checkbox"/>	HHW		White goods		Incin		T&P		FIRM		
CDFL	<input checked="" type="checkbox"/>	Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		

Date of Audit: 5/19/12 and 5/21/12

Date of Last Audit: 4/16/12

FACILITY NAME AND ADDRESS

Active C&D over Closed MSW Land Fill – Johns River Facility
2500 Marsh Trail Rd.
Morganton, NC 28680

GPS COORDINATES: (Decimal Degrees) **N: 35.78227°** **E: -81.6916°**

FACILITY CONTACT NAME AND PHONE NUMBER:

Greg Watts – Solid Waste Supervisor (828) 439-5246 Cell
Carson Fisher – General Services Director (828) 430-1777

FACILITY CONTACT ADDRESS (IF DIFFERENT):

Bryan Steen – County Manager
Burke County General Services
P.O. Box 219
Morganton, NC 28680

AUDIT PARTICIPANTS:

Bill Wagner, NCDENR – DWM Solid Waste Section
Andrea Keller, NCDENR – DWM Solid Waste Section
Daryl Mayo – Landfill Equipment Operator

STATUS OF PERMIT:

- Municipal Solid Waste last received prior to 1/01/98
- Municipal Solid Waste Facility Closed in accordance with 15A NCAC .1627
- An active C&D landfill (also covered by Permit 12-03) is in operation on top of the closed MSW landfill.

MSWLF FACILITY PERMIT NO: 12-03	ISSUANCE DATE	DIN No.
Original Permit 12-03: MSWLF:	April 16, 1987	
Transition Plan (Closure Plan for the MSW included)	April 9, 1994	
Modification to Transition Plan: 3 Acre C&D Unit Area	January 7, 1998	

STATUS OF PAST NOTED VIOLATIONS:

Violations Observed on April 24, 2012

1. **UNRESOLVED: 15A NCAC 13B .0534(b)(2)(C)** for the failure to furnish to the Division, upon request, a written plan, with time lines, for correcting violations of failing to operate the facility in accordance with the operations plan as required by 15A NCAC 13B .0544(b)(2).
2. **UNRESOLVED: 15A NCAC 13B .0542(a)** for failing to maintain and operate the facility in accordance with the operation plan prepared in accordance with this Rule. Specifically *Item "D" of Section 3 ("Cover Materials Requirements")* of Burke County's approved "Operations Plan" requires that *"Waste will be covered with six inches of earthen material when the waste disposal area exceeds one-half acre and at least once a week."*

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3. **RESOLVED: 15A NCAC 13B .0544(b)(2)** for ensuring that monitoring wells are designed and constructed in accordance with the applicable North Carolina Well Construction Standards as codified in 15A NCAC 02C. Specifically, all monitoring wells must be secured with locking well caps in accordance with 15A NCAC 02C .0108(k).
4. **CORRECTIVE ACTIONS IN PROGRESS: 15A NCAC 13B .1627(d)(1)(A)** for failure to maintain the integrity and effectiveness of the [closed MSW landfill] cap system, by making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the cap system."

FACILITY HISTORY:

The Johns River Municipal Solid Waste (MSW) Landfill is an un-lined landfill owned by Burke County. The original permit (12-03) for this facility was issued on April 16, 1987. The MSW facility was closed on December 31, 1997 in accordance with the requirements in 15A NCAC 13B .1627.

An *Assessment Monitoring Program* for exceedances of the groundwater standards began in August 1995. A *Corrective Action Program* was initiated in August 2003. A *Corrective Action Plan (CAP)* to restore groundwater quality, consisting of *monitored natural attenuation (MNA)* in conjunction with *phytoremediation* was approved in January 2009.



Map 1: Burke Co. GIS - Active C&D Landfill on top of Closed MSW 12-03 Site Map
(Red Arrows → Denote Photo Perspective)

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PURPOSE OF AUDIT:

Investigation in response to complaint that the Facility is not always staffed with properly certified personnel while the Facility is operating, as required in the Permit to Operate.

OBSERVED VIOLATIONS:

1. **15A NCAC 13B .0534(b)(2)(A) "Duty to Comply" states: *"The permittee must comply with all conditions of the permit, unless otherwise authorized by the Division. Any permit noncompliance, except as otherwise authorized by the Division, constitutes a violation of the Act and is grounds for enforcement action or for permit revocation, modification or suspension."***

Item 12, of Attachment 3 (Conditions of Permit to Operate) of the Burke County Construction and Demolition (C&D) Debris Landfill Permit No. 12-03 (FIN 9043) states:

"The facility operator must complete an approved operator training course in compliance with NCGS 130A-309.25

- a. ***A responsible individual certified in landfill operations must be on-site during all operating hours of the facility at all times while open for public use to ensure compliance with operational requirements.***
- b. ***All pertinent landfill-operating personnel must receive training and supervision necessary to properly operate the C&DLF in accordance with NCGS 130A-309.25 and addressed by memorandum dated November 29, 2000."* (Attached)**

Burke County is in violation of 15A NCAC 13B .0534(b)(2)(A) in that it failed to ensure that an individual certified in landfill operations was on-site during all operating hours of the facility at all times while open for public use, in accordance with Item 12, of Attachment 3 (Conditions of Permit to Operate) of their Permit to Operate. Specifically, on May 19, 2012, Bill Wagner and Andrea Keller of the Solid Waste Section conducted an inspection of the Burke County C&D landfill. At that time Mr. Wagner and Ms. Keller observed the active acceptance of waste at the C&D landfill for approximately one-hour (from 7AM to 8AM). During this time there were no facility operators on-site that were certified in landfill operations.

In order to correct the above cited violation #1, Burke County must, immediately insure that a responsible individual certified in landfill operations is on-site during all operating hours of the facility at all times while open for public use to ensure compliance with operational requirements. Also, Burke County must track and record, in the facility's Operating Record, the name(s) of the Certified Landfill Operator(s) and the times each of the Certified Operator(s) are on site while the facility is open for public use.

2. **15A NCAC 13B .0534(b)(2)(I) "Proper Operation and Maintenance" states in part: *"... Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training..."***

Burke County is in violation of 15A NCAC 13B .0534(b)(2)(I) in that it failed to have an adequate number of its landfill operators properly certified in landfill operations, to ensure that a properly certified landfill operator is on-site during all operating hours of the facility at all times while open for public use. Specifically, on May 19, 2012, Bill Wagner and Andrea Keller of the Solid Waste Section conducted an inspection of the Burke County C&D landfill. At that time Mr. Wagner and Ms. Keller observed the active acceptance of waste at the C&D landfill for approximately one-hour (from 7AM to 8AM). During this time there were no facility operators on-site that were certified in landfill operations.

In order to correct the above cited violation #2, Burke County must, immediately insure that a responsible individual certified in landfill operations is on-site during all operating hours of the facility at all times while open for public use to ensure compliance with operational requirements. Also, Burke County must track and record, in the facility's Operating Record, the name(s) of the Certified Landfill Operator(s) and the times each of the Certified Operator(s) are on site while the facility is open for public use.

3. **15A NCAC 13B .0542(f)(1) states in part: *"...the owners and operators of all C&DLF units must cover the solid waste with six inches of earthen material when the waste disposal area exceeds one-half acre and at least once weekly. Cover must be placed at more frequent intervals if necessary to control disease vectors, fires, odors, blowing litter, and scavenging."***

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Burke County is in violation of 15A NCAC 13B .0542(f)(1) in that it failed to cover solid waste with six inches of earthen material when the waste disposal area exceeds one-half acre and at least once weekly. Specifically, on May 19, 2012, Bill Wagner and Andrea Keller of the Solid Waste Section conducted an inspection of the Burke County C&D landfill. At that time Mr. Wagner and Ms. Keller observed that the area of exposed C&D waste was excessively large. Using the Burke County Geographic Information System (GIS), it is estimated that the total area of uncovered waste was approximately 0.9-acres. (Photos 1(a&b) and 2(a&b))

In order to correct the above cited violation #3, Burke County must, immediately insure that all C&D waste is covered with at least six inches of earthen material when the waste disposal area exceeds one-half acre and at least once weekly (i.e. at least once every seven days). Cover must be placed at more frequent intervals if necessary to control disease vectors, fires, odors, blowing litter, and scavenging. Burke County must also insure that a notation of the date and time of the cover placement must be recorded in the operating record as specified in Rule 15A NCAC .0542(n)(1)(F).

- 4. 15A NCAC 13B .0542(f)(2) states in part: "... areas which will not have additional wastes placed on them for three months or more, but where final termination of disposal operations has not occurred, must be covered and stabilized with vegetative ground cover or other stabilizing material."**

Burke County is in violation of 15A NCAC 13B .0542(f)(2) in that it failed to cover and stabilize the western slopes of the C&D landfill with vegetative ground cover or other stabilizing material. The western slopes of the landfill have not received wastes within the past three months, nor has final termination of disposal operations occurred in this area. (Photos 3 and 4).

In order to correct the above cited violation #4, Burke County must, immediately insure that all areas where the termination of C&D waste disposal operations has not occurred, are covered and stabilized with vegetative ground cover or other stabilizing material.

NOTE: In compliance audit dated 9/06/11 the following comment (#24) was made:

"24. As the northern and western slopes of the C&D landfill are currently being re-worked and re-shaped, they do not have any cover vegetation. Burke County must ensure that those areas of the landfill which will not have additional wastes placed on them for three months or more, but where final termination of disposal operations has not occurred, must be covered and stabilized with vegetative ground cover or other stabilizing material."

The item(s) listed above were observed by Section Staff and require action on behalf of the facility in order to come into compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. For the violation(s) noted here, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

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1(a) Looking SW at the north end of the CD& landfill. Note the large are of un-covered waste. (Photo taken 5/19/12)



1(b) Looking SW at the north end of the CD& landfill. Note the large are of un-covered waste. (Photo taken 5/21/12)



2(a) Looking SSE at the NW at C&D waste on the NW corner of the closed MSW landfill. (Photo taken 5/19/12)



2(b) Looking SSE at the NW at C&D waste on the NW corner of the closed MSW landfill. (Photo taken 5/21/12)

AREAS OF CONCERN AND COMMENTS:

1. C&D waste has been allowed to migrate from the C&D landfill onto the NW corner of the closed MSW landfill. (Figure 1 and Photos 2a and 2b). This waste must be either immediately moved back to inside the C&D landfill limits of waste or, within 30 days of receipt of this report, closed out in accordance with the requirements in 15A NCAC 13B .1627(c).
2. The perimeter access road on the eastern side of the landfill (north of groundwater monitoring well #MW13) is eroded to the point that it is impassable. (Photo #3) Immediately re-grade and repair as necessary to ensure that this road is of all-weather construction and is passable. The perimeter storm-water ditch is heavily silted.
3. The landfill staff has begun cleaning out this ditch on the SW corner of the landfill. (Photo #4)

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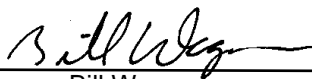


3. Looking (D) across the perimeter access road at erosion & severe rutting. (Note the 7.5" X 4.5" yellow field book for scale.)



4. Looking south down the perimeter storm water ditch at the SW corner of the landfill. (Note where landfill staff has begun cleaning out the ditch.)

Please contact me if you have any questions or concerns regarding this audit report.


Bill Wagner
Environmental Senior Specialist
Regional Representative

Phone: 828-296-4705

Delivered on : <u>5/25/12</u> by:		Electronic Mail to		US Mail	X	Certified No. <u>7006 2150 0005 2458 9648</u> To: Bryan Steen - Burke Co. Manager
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ec: Mark Poindexter – Field Operations Branch Head, Solid Waste Section
Jason Watkins – Western District Supervisor, Solid Waste Section
Jessica Montie – Compliance Officer, Solid Waste Section
Carson Fisher, General Services Director / County Engineer – Burke County

Memorandum

To: Municipal Solid Waste Landfill Operators
Construction and Demolition Landfill Operators

From: Solid Waste Section

Date: November 29, 2000

Subject: Requirements for On-site Attendants at Municipal Solid Waste Landfills
and Construction and Demolition Debris Landfills

North Carolina G.S. 130A-309.25 requires operators of solid waste management facilities to have completed an approved training course. **Effective July 1, 2001 the regulatory enforcement of this provision will be expanded to require that a responsible individual certified in landfill operations is present on-site at all times during all operating hours at all municipal solid waste landfills and construction and demolition debris landfills.** This includes any time when the landfill is receiving or disposing of waste, whether it is open to the public or only for limited access by the owner or operator.

The North Carolina Chapter of the Solid Waste Association of North America (SWANA) **Landfill Operations Specialist** Training Course is approved by the Division of Waste Management as "an approved solid waste management facility operator training course" as provided in General Statutes 130A-309.25. On-site attendants and other persons regularly performing the duties of an attendant at municipal solid waste landfills *and* construction and demolition debris landfills *while a certified Manager is not physically at the site* may satisfy the requirements of GS 130A-309.25 (c) by satisfactorily completing this new course, passing the test, and maintaining the associated continuing education credits. This approval is not intended to supersede or replace the previous approval of the MOLO course for persons operating in the full capacity of landfill operator / manager.

Other courses may be proposed in the future for meeting these requirements and will be evaluated by the Section for approval at that time.